IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION NO.975 OF 2006

Intellectual Property Law

Practitioners' Association & Anr..Petitioners

Vs.

The Ministry of Commerce and

Industry & Ors. ...Respondents

Mr. Rushabh Shah with Mr. Smita Vora, for the petitioners

Mr. Y.R. Mishra with Mr. P.A. Dubey, for the Respondents.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 27TH NOVEMBER,2006

P.C.

. This petition by the Association is on the ground that the notice is not being addressed at the address given. We have perused the provisions of Section 143 of the Trade Marks Act and Rules 18 and 19 of the Rules framed thereunder which provide the manner an to whom the notice is to be given. Needless to say that the Respondents would be bound by the Act and the Rules. In a case if there be a case of breach it is for the aggrieved person to challenge the non-complance of the provisions of the Act and the Rules. A general direction cannot be given at the instance of the petitioners in the absence of the petitioners being an aggrieved party.

In the event any of the members of the petitioners are not served with notice as required by the Act and the Rules it is for them if aggrieved to take out appropriate proceedings. Relief as prayed for in the present petition in these circumstances cannot be granted. Petition disposed of accordingly. We make it clear that disposal of the petition would not in any way preclude an individual applicant if aggrieved by the failure of the respondent from taking appropriate proceedings. With the above observation petition stands disposed of.

(F.I. REBELLO, J)

(ANOOP V. MOHTA J).